

Kansas Department of Health and Environment
Regulation
Article 16. - WATER POLLUTION CONTROL

28-16-56c. Sewage permit fees; definitions. For the purposes of K.A.R. 28-16-56d, the following terms shall be defined as specified in this regulation:

(a) "Animal unit," for the purpose of determining permit fees, has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(b) "Animal unit capacity" means the maximum number of animal units that a confined feeding facility is designed to accommodate at any one time.

(c) "Commercial wastewater treatment facility" means a facility serving a commercial enterprise or group or a combination of commercial enterprises, for the purpose of treating primarily domestic sewage by physical, chemical, or biological means or by a combination of these methods. This term shall include any slaughterhouse with an average slaughter rate of 50 animals or less per week.

(d) "Confined feeding facility" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(e) "Cooling water discharge" means cooling water discharged from any system in which there is no contact with process pollutants and there is no measured chemical buildup.

(f) "Dewatering discharge" means a discharge resulting from the drainage or removal of water from a lagoon, quarry, pit, or any other holding device. This term shall not include any discharge in which there is a measured chemical buildup or to which chemicals have been added for any purpose.

(g) "Domestic sewage" means sewage originating primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

(h) "General permit" has the meaning specified in 40 CFR 122.2 and adopted by reference in K.A.R. 28-16-151.

(i) "Industrial wastewater treatment facility" means a facility treating primarily sewage or process-generated wastewater, other than domestic sewage, by physical, chemical, or biological means or by a combination of these methods.

This term shall not include any private truck-washing or trailer-washing facility for washing animal waste from not more than two trucks or trailers, or a combination of both, owned by the private truck-washing or trailer-washing facility.

(j) "Municipal wastewater treatment facility" means a facility serving a city, county, township, sewer district, or other local governmental unit, or a facility serving a state or federal agency, establishment, or institution, for the purpose of treating primarily domestic sewage by physical, chemical, or biological means or by a combination of these methods.

(k) "Point source" means any discernible, confined, and discrete conveyance from which pollutants are or can be discharged, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, confined animal feeding facility, landfill leachate collection system, and any vessel or other floating craft. This term shall not include the return flows from irrigated agriculture or agricultural storm water runoff.

(l) "Pretreatment permit" means a permit that is issued to a source subject to pretreatment standards and that discharges to a municipal wastewater treatment facility not having an approved pretreatment program.

(m) "Private truck-washing facility for animal wastes" means a truck-washing facility for animal wastes that exists primarily for the purpose of washing animal wastes from trucks or trailers owned by the facility.

(n) "Sewage" has the meaning specified in K.S.A. 65-164, and amendments thereto.

(o) "Storm water discharge" means any discharge of storm water runoff from a point source. This term may include any of the following:

(1) Storm water runoff from a municipal, industrial, or commercial facility or from a construction site;

(2) a discharge from any conveyance or system of conveyances used for collecting and conveying storm water runoff; or

(3) a system of discharges from municipal storm sewers that are separate from sanitary sewers.

(p) "Treated cooling water discharge" means cooling water discharged from any system in which there is no contact with process pollutants and there is no measured chemical buildup other than chemicals added for biological or corrosion control, or from evaporative losses.

(q) "Truck-washing facility for animal wastes" means a truck-washing facility that exists primarily for the purpose of washing animal wastes from trucks or trailers. (Authorized by and implementing K.S.A. 2003 Supp. 65-171d; effective Sept. 27, 1996; amended March 16, 2007.)

28-16-56d. Sewage permit fees; schedules. (a) Each person applying for a permit pursuant to K.S.A. 65-165, and amendments thereto, and each holder of a permit issued pursuant to K.S.A. 65-165, and amendments thereto, shall submit the appropriate fee in accordance with the following schedule:

Schedule of Fees at Annual Rate	
Classification	Unit Rates and Minimum Rates
(1) Municipal or commercial wastewater treatment facility.	\$185/year/million gallons per day permitted capacity and for any portion thereof. \$185 minimum fee per year.
(2) Municipal storm water system (A) population less than 100,000 persons. (B) population of 100,000 persons or greater	None \$2,000 per year.
(3) Industrial wastewater treatment facility.	\$320/year/million gallons per day permitted capacity and for any portion thereof. \$320 minimum fee per year.

Schedule of Fees at Annual Rate	
(4) Cooling water discharge. Surface disposal: (A) Non-contact cooling water. (B) treated cooling water.	\$60 per year. \$120/year/million gallons per day permitted capacity and for any portion thereof. \$120 minimum fee per year.
(5) Dewatering discharge.	\$60 per year.
(6) Pretreatment permit.	\$320 per year.
(7) General permit.	\$60 per year.
(8) Industrial storm water discharge. (A) General permit (B) individual permit.	\$60 per year. \$320 per year.
(9) Confined feeding facility or public livestock market required to register or obtain a permit: (A) Initial registration fee, regardless of animal unit capacity (B) permit fee: (i) Animal unit capacity of 999 or less (ii) animal unit capacity of 1,000-4,999 (iii) animal unit capacity of 5,000-9,999 (iv) animal unit capacity of 10,000 or more.	\$25 one-time fee. \$25 per year. \$100 per year. \$200 per year. \$400 per year.
(10) Truck-washing facility for animal wastes. (A) Private truck-washing facility for animal wastes with any combination of owned trailers or trucks totaling no more than two (B) Private truck-washing facility for animal wastes with any combination of owned trailers or trucks totaling more than two (C) all other truck-washing facilities for animal wastes.	\$25 per year. \$200 per year. \$320 per year.

(b)(1) Plans and specifications shall not be reviewed and processing and issuance of a permit shall not take place until the required fee is paid. Fees shall be made payable to the

“Kansas department of health and environment -- water pollution control permit.”

(2) Fees paid in accordance with the schedule in subsection (a), including fees paid for facilities that are never built or that are abandoned, shall not be refunded.

(3) Each operator who is operating a facility in which two or more of the wastewaters identified in subsection (a) are discharged shall pay the appropriate fee for each type of wastewater discharged, even if only one permit has been issued for the facility.

(4) Permit fees shall be based on the minimum rate or unit rate, whichever is greater. The full unit rate shall be applied to any portion of a unit. The fee per unit shall not be prorated.

(5) A permit fee shall be paid annually in accordance with subsection (a).

(6) If ownership of the permitted facility changes during the term of a valid permit, no additional fee shall be required unless a change occurs that results in a new or expanded facility or operation.

(7) If a change occurs during the term of a valid permit that results in an expanded capacity of the facility or operation, a new application shall be required. Upon approval, the existing permit shall be amended and shall continue in effect for the remainder of the original term, unless revoked. The additional fee shall be based only on the difference between the original permitted capacity and the expanded capacity. The new annual fee for the expanded facility shall be based on the unit rate at the expanded capacity or the minimum rate, whichever is greater, for the remainder of the term of the permit. (Authorized by and implementing K.S.A. 2003 Supp. 65-166a and 65-171d; effective Sept. 27, 1996; amended March 16, 2007.)